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UNITED STATES MAGISTRATE COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	No. CR 05 671 WHA
)	
Plaintiff,)	PROPOSED ORDER AND
)	STIPULATION FOR CONTINUANCE
v.)	FROM NOVEMBER 14, 2005 TO
)	NOVEMBER 22, 2005 AND EXCLUDING
JOSE FRANCISCO LEYVA and)	TIME FROM THE SPEEDY TRIAL ACT
JAMES EDWARDS,)	CALCULATION (18 U.S.C. §
)	3161(h)(8)(A))
Defendants.)	

With the agreement of the parties, and with the consent of the defendants, the Court enters this order scheduling an initial appearance before the district court on November 22, 2005 at 2:00P.M. before the Honorable William H. Alsup, and documenting the defendants' exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161(b), from November 14, 2005 to November 22, 2005. The parties agree, and the Court finds and holds, as follows:

1. The defendants agreed to an exclusion of time under the Speedy Trial Act. Failure to grant the requested continuance would unreasonably deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

2. Given these circumstances, the Court found that the ends of justice served by excluding the period from November 14, 2005 to November 22, 2005, outweigh the best interest of the public and the defendants in a speedy trial. § 3161(h)(8)(A).

3. Accordingly, and with the consent of the defendants, the Court ordered that the period from November 14, 2005 to November 22, 2005 be excluded from Speedy Trial Act calculations under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

IT IS SO STIPULATED:

DATED: January 10, 2006

/s/
DAVID FERMINO, ESQ.
 Attorney for Defendant Jose Francisco Leyva

DATED: January 10, 2006

/s/
ERIK BABCOCK, ESQ.
Attorney for Defendant James Edwards

DATED: January 10, 2006

/s/
ROBERT DAVID REES
Assistant United States Attorney

IT IS SO ORDERED.

DATED: 1/17/06


HON. NANDOR VADAS
United States Magistrate Judge